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INDUSTRY WEST COMMERCE CENTER

**UNITED STATES BANKRUPTCY COURT
NORTHERN DISTRICT OF CALIFORNIA**

In re:) Case No. 10-10088
INDUSTRY WEST COMMERCE) (Chapter 11)
CENTER, LLC,)
A California limited liability company)
Debtor.)
) **ORDER CONFIRMING**
) **DEBTOR'S PLAN OF**
) **REORGANIZATION**
)
)

The Plan of Reorganization filed by the Debtor Industry West Commerce Center, LLC on February 18, 2010, as modified, came on for final Confirmation Hearing on June 3, 2010, and August 5, 2010. MacConaghy & Barnier, PLC by John H. MacConaghy appeared for the Debtor; other appearances were noted on the record at the respective hearings.

At the hearing on June 3, 2010, various parties presented evidence as to whether the Plan of Reorganization and the Debtor had complied with the requirements of 11 USC § 1129(a) and whether the Plan was fair and equitable as to all rejecting classes of creditors. Following that hearing, the Court issued its initial “Memorandum on Plan Confirmation”, concluding that the Plan was not fair and equitable as to the secured claim of the Class 2 Creditor Todd JBRE, LLC, and reserving determination of other issues. The Debtor thereafter filed its Modified Plan of Reorganization, dated July 21, 2010, amending the treatment of the Class 2 Creditor. The Class 2 Creditor thereafter accepted the Plan, as modified. A further hearing was held on August 5, 2010, as to the ongoing objection to confirmation of the Class 1 Creditor Central Pacific Bank.

Following consideration of the evidence and the oral and written arguments of counsel, the Court issued its “Memorandum on Confirmation of Amended Plan” pursuant to Bankruptcy Rule 7052, specifying the terms under which the Plan would be confirmed. Thereafter a further Debtor’s Modified Plan of Reorganization, dated August 16, 2010, incorporating the modifications specified in the “Memorandum on Confirmation of Amended Plan” was filed with the Court.

On consideration of the record of the case and the oral and written argument of counsel, the Court finds and concludes that the Debtor has proposed the Plan, as Modified, in good faith and in not by any means forbidden by law, that all required solicitation materials for the Plan have been duly transmitted to all appropriate parties in interest, and that the Plan, as Modified, otherwise complies with the provisions of 11 USC § 1129 and other applicable provisions of the Bankruptcy Code. Good cause appearing:

IT IS HEREBY ORDERED, ADJUDGED, AND DECREED as follows:

1. The Debtor's Modified Plan of Reorganization, dated August 16, 2010, is confirmed;
2. The modifications to the Plan of Reorganization which are incorporated in Modified Plan of Reorganization, dated August 16, 2010 are deemed to be nonmaterial and/or favorable to all Classes of Creditors, and no new solicitation of Ballots by the Debtor of the Modified Plan of Reorganization is required;
3. All other objections to confirmation are overruled.

Dated: August 20, 2010

~~Alan Jaroslovsky
United States Bankruptcy Judge~~